

Amendment to 01-ASD-224 (GT)

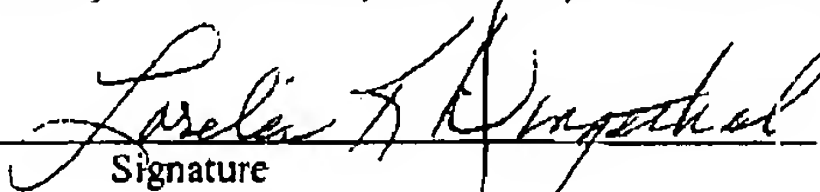
#7

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPL. NO. : 10/060,121 CONFIRMATION NO.: 5887
APPLICANTS : ROBERT P. BENJEY
TITLE : METHOD AND SYSTEM FOR CONTROLLING LIQUID FUEL
AND VAPOR FLOW DURING REFUELING OF A MOTOR
VEHICLE FUEL TANK
FILED : January 31, 2002
ART UNIT : 3753
EXAMINER : JOHN A. RIVELL
CUSTOMER NO. : 00200

CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8(a))

I, Lorelei Dingethal, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Signature

Date: September 10, 2003

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

Responsive to the Office Action dated 05/12/2003, please amend the above-identified application as follows:

Remarks/Arguments begin on page 2 of this paper.

Amendment to 01-ASD-224 (GT)

REMARKS/ARGUMENTS

The Examiner's rejection under 35 USC 102(b) over the teachings of the Hashimoto et al reference and the rejection under 35 USC 103(a) over the proposed combination of Hashimoto et al in view of Yamazaki et al are respectfully traversed.

The Examiner has stated that Hashimoto et al teaches in FIGS. 3 and 4 a radially inwardly extending seal about the outer periphery of the fuel dispensing nozzle.

It is respectfully submitted that the Examiner is erroneously reading the Hashimoto et al reference inasmuch as there is no mention or description in the specification of any such seal; and, furthermore, the drawings show the nozzle guide hole in the filler tube (the small diameter hole which is flanged) as cross-hatched to be formed of metal. Accordingly, in order for the nozzle to be insertable, a clearance must be provided to accommodate the tolerances of forming the bulkhead of metal.


Therefore, the proposed combination of Hashimoto et al with Yamazaki et al fails also to provide any teachings which anticipate or suggest the structure recited in Applicant's claims. Accordingly, it is submitted that the claims patentably distinguish over the cited references; and, it is requested that the Examiner's rejection be withdrawn and the claims allowed.

It is noted that a "Notice To File Corrected Application Papers" was mailed February 21, 2002 requiring formal drawings be submitted.

Applicant submitted formal drawings which were received March 12, 2002 as evidenced by the Patent Office stamp on a photocopy of the receipt postcard enclosed herewith.

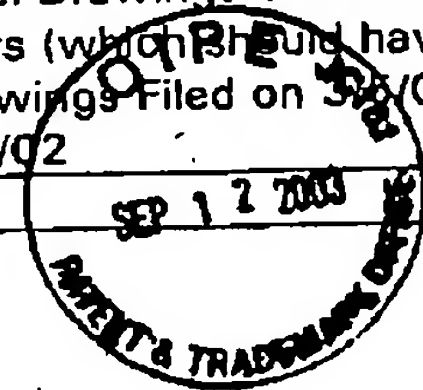
However, Applicant inadvertently failed to return the copy of the Notice as required and the return copy is attached herewith. It is submitted that Applicant has responded within the two months time period set in the Notice for filing substitute drawings and therefore the case has not gone abandoned.

Respectfully submitted,


Roger A. Johnston
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Attorney for Applicant

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<u>Please Date and Return</u>		PDS No.: 01-ASD-224 (GT)
		Attorney: RAJ
Date Mailed: Sept. 10, 2003	<input type="checkbox"/> Express Mail	
Serial No.: 10/060,121	Filing Date: January 31, 2002	
Applicant(s) ROBERT P. BENJEY		
Title: METHOD AND SYSTEM FOR CONTROLLING LIQUID FUEL AND VAPOR FLOW DURING REFUELING OF A MOTOR VEHICLE FUEL TANK		
<u>Documents Sent:</u>		
Amendment Extension of Time (1 month)		
Copy of Postcard with PTO Date Stamp for Formal Drawings Submitted		
Copy of Notice to File Corrected Application Papers (which should have been returned to the PTO along with the Formal Drawings Filed on 3/5/02)		
Copy of formal drawings which were filed on 3/5/02		



DATE: September 10, 2003
DOCKET NO.: 01-ASD-224 (GT)

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CUSTOMER NO. : 00200

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an **Amendment** in the above-identified application.

☒ No additional fee is required

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA	RATE		ADD'L. FEE	
TOTAL	*	12	-	**	20	=	0	X	\$18.00 = \$0.00
INDEP.	*	3	-	***	3	=	0	X	\$84.00 = \$0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM								+	\$280.00 = \$0.00
TOTAL									\$0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☒ Please charge my Deposit Account No. 05-0275 in the amount of **\$0.00**. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$_____ is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 05-0275. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
Any patent application processing fees under 37 CFR 1.17.

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The Patent Law Department
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Cleveland, Ohio 44114-2584
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ATTORNEY OF RECORD

Roger A. Johnston, Registration No. 25,880